UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

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SHELLIE LUKE-REED,

: CASE NO. 1:11-CV-01346

Plaintiff,

vs. : OPINION & ORDER

: [Resolving Docs. No. <u>1</u>, <u>31</u>, <u>32</u>]

COMMISSIONER OF SOCIAL SECURITY,

.

Defendant.

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## JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On June 30, 2011, Plaintiff Shellie Luke-Reed filed a complaint seeking judicial review of the Defendant Commissioner of Social Security's decision to deny her disability benefits. The matter was referred to Magistrate Judge William H. Baughman, Jr. pursuant to Local Rule 72.2. On August 10, 2012 Magistrate Judge Baughman issued a Report and Recommendation recommending that the decision of the Commissioner is not supported by substantial evidence in the record and that the Administrative Law Judge improperly denied Ms. Luke-Reed's attorney the opportunity to question the vocational expert. [Doc 31 at 12-15, 17-18]. Accordingly, Magistrate Judge Baughmen recommended that the Commissioner's decision be reversed and remanded for additional proceedings. [Doc 31 at 18].

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. 28

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Case No. 1:11-CV-1346

Gwin, J.

<u>U.S.C.</u> § 636(b)(1)(C). The Act grants parties fourteen days to file objections. <u>Id.</u> Failure to object

within this time waives a party's right to appeal the district court's judgment. FED. R. CIV. P. 72(a);

see also Thomas v. Arn, 474 U.S. 140, 145 (1985); United States v. Walters, 638 F.2d 947, 949-50

(6th Cir. 1981). Absent objection, a district court may adopt the magistrate judge's report without

review. See Thomas, 474 U.S. at 149.

In this case, neither party has objected to the Magistrate Judge's recommendation. Moreover,

having conducted its own review of the Report and Recommendation, record, and parties' briefs, the

Court agrees with the recommendation of Magistrate Judge Baughman that the Court reverse and

remand the Commissioner's decision.

Accordingly, the Court ADOPTS in whole Magistrate Judge Baughman's Report and

Recommendation and incorporates it fully herein by reference, and **REMANDS** this case to the

Administrative Law Judge for further proceedings.

IT IS SO ORDERED

Dated: August 28, 2012

James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

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